

1 BRIAN J. STRETCH (CA Bar No. 163973)
2 Acting United States Attorney
3 ALEX G. TSE (CA Bar No. 152348)
Chief, Civil Division
4 SARA WINSLOW (DC Bar No. 457643)
Assistant United States Attorney
5 450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
6 Telephone: (415) 436-6925
Facsimile: (415) 436-6748
sara.winslow@usdoj.gov

7 Attorneys for the United States of America

8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

11 UNITED STATES OF AMERICA, *ex rel.*) Case No. C 15-2977 EDL
12 LITE MACHINES, INC.,)
13 Plaintiffs,)
14 v.)
15 OSTERHOUT GROUP, INC., *et al.*,) **UNITED STATES' REQUEST TO**
16 Defendants.) **UNSEAL CASE; [REPROPOSED]**
17) **ORDER TO UNSEAL**
18) **FILED UNDER SEAL**

19 This action was filed under seal pursuant to the *qui tam* provisions of the False Claims
20 Act (FCA), 31 U.S.C. § 3730(b). On March 2, 2016, Relator, Lite Machines, Inc., filed a
21 voluntary dismissal of this action, to which the United States did not object. On March 4, 2016,
22 the Court entered an order dismissing the action without prejudice. The dismissal occurred while
23 the case was still under seal. Typically, when the United States notifies the Court of its decision
24 whether to intervene in a *qui tam* case, the government also asks the Court to unseal the case.
25 However, in this case, the dismissal occurred before the United States was able to do so.

26
27
28 REQUEST TO UNSEAL
No. C 15-2977 EDL

1 The United States now respectfully requests that the Court unseal: (1) Relator's
2 Complaint; (2) the summons, if any; (3) the scheduling order; (4) Plaintiff's Motion for
3 Voluntary Dismissal; (5) the March 4, 2016 Order dismissing the case; (6) this Request to Unseal
4 Case, with [Proposed] Order to Unseal; and (7) all future filings in this action. The United States
5 requests that all other contents of the Court's file in this matter (including any applications filed
6 by the United States for extensions of the sixty-day investigative period and related orders)
7 remain under seal. The undersigned government counsel understands from communications with
8 Relator's counsel that Relator does not object to this unsealing request.

9
10 Respectfully submitted,

11 BRIAN J. STRETCH
12 Acting United States Attorney

13 Dated: March 14, 2016

14 By: 

15 SARA WINSLOW
16 Assistant United States Attorney
17 Attorneys for the United States of America

18 //

19 //

20 //

21 //

22 //

23 //

24 //

25 //

26 //

27
28 REQUEST TO UNSEAL
No. C 15-2977 EDL

1 **[PROPOSED] ORDER TO UNSEAL**

2 IT IS HEREBY ORDERED that:

3

4 1. The Complaint, the summons, the scheduling order, Plaintiff's Motion for Voluntary

5 Dismissal, the Court's March 4, 2016 Order dismissing the case, the United States' Request to

6 Unseal Case, and this Order are hereby unsealed.

7

8 2. Any other applications filed under seal by the United States shall remain under seal.

9

10 3. The seal shall be lifted as to any other matters occurring in this action after the date of

this Order.

11 IT IS SO ORDERED.

12 Dated: Mar 15, 2016


13 ELIZABETH D. LAPORTE
14 United States Magistrate Judge